

1 Robert J. Giuffra, Jr. (*pro hac vice forthcoming*)
giuffrar@sullcrom.com

2 William B. Monahan (*pro hac vice forthcoming*)
monahanw@sullcrom.com

3 Darrell S. Cafasso (*pro hac vice forthcoming*)
cafassod@sullcrom.com

4 SULLIVAN & CROMWELL LLP
125 Broad Street

5 New York, New York 10004

Telephone: (212) 558-4000

6 Facsimile: (212) 558-3588

7 Kyle Niemi (SBN 4147849)

niemik@sullcrom.com

8 SULLIVAN & CROMWELL LLP

9 1870 Embarcadero Road

Palo Alto, California 94303

10 Telephone: (650) 461-5600

Facsimile: (650) 461-7700

11 *Counsel for Defendants FCA US LLC*
12 *and Fiat Chrysler Automobiles N.V.*

13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 MATHUE FASCHING,
18 individually and on behalf of all
others similarly situated,

19 Plaintiff,

20 v.

21 FCA US LLC and FIAT
22 CHRYSLER AUTOMOBILES
N.V.,

23 Defendants.

Case No. 3:17-cv-00231-EMC

**STIPULATION AND [PROPOSED]
ORDER TO STAY ACTION
PENDING DECISION BY THE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

Judge: Honorable Edward M. Chen

1 WHEREAS, on January 17, 2017, plaintiff Mathue Fasching
2 (“Plaintiff”) filed a complaint (the “Complaint”) against FCA US LLC (“FCA”)
3 and Fiat Chrysler Automobiles N.V. (together, “Defendants”);¹

4 WHEREAS, the Complaint alleges that Defendants made false
5 representations concerning vehicle emissions and fuel efficiency concerning model
6 year 2014-2016 Dodge Ram 1500 and model year 2014-2016 Jeep Grand
7 Cherokee vehicles equipped with 3.0-liter “EcoDiesel” engines (*see* Dkt. 1, at 1);

8 WHEREAS, Plaintiff alleges that the vehicles were equipped with a
9 so-called “defeat device” designed to limit emissions and increase fuel efficiency
10 in testing conditions (*see id.*);

11 WHEREAS, Plaintiff purports to bring suit on behalf of a national,
12 putative class of purchasers and lessees of the Dodge Ram 1500 and Jeep Grand
13 Cherokee vehicles with EcoDiesel engines (*see id.* at 2);

14 WHEREAS, at least eight other putative class action lawsuits (with
15 the instant action, the “Actions”) have been filed against FCA and/or Defendants
16 making similar allegations concerning false representations of fuel efficiency and
17 vehicle emissions in FCA vehicles with diesel engines that were allegedly
18 equipped with “defeat devices,”² and additional such suits may be filed in the
19 future;

20 WHEREAS, plaintiffs in one of the Actions, *Warren v. FCA US LLC*,
21 No. 17-cv-00059, have filed a motion with the Judicial Panel on Multidistrict
22 Litigation (“JPML”) requesting Transfer and Centralization of all Related Cases

23
24 ¹ By entering into this stipulation, Defendants do not waive, and expressly
25 preserve, all defenses, including all defenses concerning jurisdiction, service or
otherwise.

26 ² *Stephens v. FCA US LLC et al.*, No. 17-cv-00040 (M.D. Ala.); *Chavez v.*
27 *FCA US LLC et al.*, No. 16-cv-06909 (N.D. Cal.); *Warren v. FCA US LLC et al.*,
28 No. 17-cv-00059 (N.D. Ala.); *Carpenter v. FCA US LLC et al.*, No. 17-cv-00288
(N.D. Cal.); *Walker v. FCA US LLC et al.*, No. 17-cv-00405 (N.D. Cal.); *Kitchel v.*
FCA US LLC et al., No. 17-cv-00538 (N.D. Cal.); *Sebastian v. FCA US LLC et al.*,
No. 17-cv-00085 (S.D. Cal.); *Marlatt v. FCA US LLC et al.*, No. 17-cv-00096
(S.D. Ohio).
-1-

1 (and any future-filed “tag-along” actions), including the instant action, for
2 coordinated or consolidated pretrial proceedings in a multidistrict litigation
3 (“MDL”; the “MDL Motion”), *see In re Chrysler-Dodge-Jeep EcoDiesel Mktg.*,
4 Sales Practices, and Prods. Liab. Litig., MDL No. Pending (J.P.M.L. filed February
5 9, 2017) (Dkt. No. 1);

6 WHEREAS, FCA intends to file a brief with the JPML supporting
7 centralization of the Actions, including the instant action, and any “tag-along”
8 cases in one district for consolidated pretrial proceedings;

9 WHEREAS, FCA anticipates that the MDL Motion will be set for the
10 next JPML Hearing Session on March 30, 2017;

11 WHEREAS, the parties have met and conferred and agree that the
12 requested stay during the pendency of the MDL Motion would save judicial and
13 party resources; and

14 WHEREAS, should a stay order not be entered in any other related
15 case, or be suspended, lifted, or invalidated, either party may move to lift the stay
16 of this action.

17 NOW, THEREFORE, the parties, by and through their undersigned
18 attorneys, hereby stipulate and request that the Court enter an Order staying all
19 proceedings in this action, including the filing of an answer, motion to dismiss or
20 other responsive pleading, until the JPML has decided whether to centralize the
21 Actions, including the instant action, in an MDL proceeding.

1 Dated: February 10, 2017

Respectfully and jointly submitted,

2 /s/ Robert J. Giuffra, Jr.

Robert J. Giuffra, Jr. (*pro hac vice*
3 *forthcoming*)

giuffrar@sullcrom.com

4 William B. Monahan (*pro hac vice*
forthcoming)

monahanw@sullcrom.com

5 Darrell S. Cafasso (*pro hac vice*
forthcoming)

cafassod@sullcrom.com

6 SULLIVAN & CROMWELL LLP

125 Broad Street

7 New York, New York 10004

Telephone: (212) 558-4000

8 Facsimile: (212) 558-3588

9 Kyle Niemi (SBN 4147849)

niemik@sullcrom.com

10 SULLIVAN & CROMWELL LLP

1870 Embarcadero Road

11 Palo Alto, California 94303

Telephone: (650) 461-5600

12 Facsimile: (650) 461-7700

13 *Counsel for Defendants FCA US LLC*
14 *and Fiat Chrysler Automobiles N.V.*

15 /s/ Jeffrey Lewis (with permission)

Jeffrey Lewis (SBN 66587)

16 jlewis@kellerrohrback.com

17 Lisa Faye Petak (SBN 300914)

lpetak@kellerrohrback.com

18 KELLER ROHRBACK L.L.P.

300 Lakeside Drive, Suite 1000

19 Oakland, CA 94612

20 (510) 463-3900, Fax (510) 463-3901

21 Lynn Lincoln Sarko, *pro hac vice*
forthcoming

lsarko@kellerrohrback.com

22 Derek W. Loeser, *pro hac vice*
forthcoming

dloeser@kellerrohrback.com

23 Gretchen Freeman Cappio, *pro hac vice*
forthcoming

gcappio@kellerrohrback.com

24 Dean Kawamoto (SBN 232032)

dkawamoto@kellerrohrback.com

25 Ryan McDevitt, *pro hac vice*
forthcoming

26
27
28

1 rmcdevitt@kellerrohrback.com
2 KELLER ROHRBACK L.L.P.
3 1201 Third Avenue, Suite 3200
4 Seattle, WA 98101
5 (206) 623-1900, Fax (206) 623-3384

6 Lesley E. Weaver (SBN 191305)
7 lweaver@bfalaw.com
8 Robyn R. English, *pro hac vice*
9 *forthcoming*
10 renglish@bfalaw.com
11 BLEICHMAR FONTI & AULD, LLP
12 1999 Harrison Street, Suite 670
13 Oakland, CA 94612
14 (415) 445-4003, Fax: (415) 445-4020

15 Benjamin L. Bailey, *pro hac vice*
16 *forthcoming*
17 Bbailey@baileyglasser.com
18 BAILEY GLASSER LLP
19 209 Capitol Street
20 Charleston, WV 25301
21 (304) 345-6555, Fax (304) 342-1110

22 J. Gerard Stranch IV, *pro hac vice*
23 gerards@bsjfirm.com
24 Joe P. Leniski, Jr., *pro hac vice*
25 *forthcoming*
26 joeyl@bsjfirm.com
27 BRANSTETTER, STRANCH &
28 JENNINGS, PLLC
223 Rosa L. Parks Avenue, Suite 200
Nashville, TN 37203
(615) 254-8801, Fax (615) 250-3937

Joseph F. Rice, *pro hac vice*
forthcoming
jrice@motleyrice.com
Ann Ritter, *pro hac vice forthcoming*
aritter@motleyrice.com
MOTLEY RICE, LLC
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
(843) 216-9000, Fax (843) 216-9450

Elizabeth Cabraser (SBN 083151)
ecabraser@lchb.com
LIEFF CABRASER HEIMANN &
BERNSTEIN,
LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
(415) 956-1000, Fax(415) 956-1008

David S. Stellings, *pro hac vice*
forthcoming
dstellings@lchb.com

LIEFF CABRASER HEIMANN &
BERNSTEIN,
LLP
250 Hudson Street, 8th Floor
New York, NY 10013
(212) 355-9500, Fax (212) 355-9592

Paul J. Geller, *pro hac vice forthcoming*
ROBBINS GELLER RUDMAN &
DOWD LLP
120 East Palmetto Park Rd., Suite 500
Boca Raton, FL 33432
(561) 750-3000; Fax (561) 750-3364
pgeller@rgrdlaw.com

Counsel for Plaintiff

ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories.

Dated: February 10, 2017

SULLIVAN & CROMWELL LLP

/s/ William B. Monahan

William B. Monahan

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/18/17



Honorable Edward M. Chen

UNITED STATES DISTRICT JUDGE